

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**ORIGINAL**

MARIO H. CAPOGROSSO,

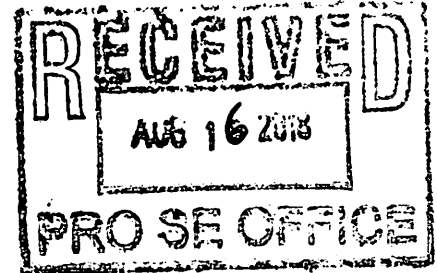
18 CV 2710

Plaintiff

-against-

ALAN GELBSTEIN, in his official and individual capacity;  
BOSHRA VAHDATLAMAS, (also known as BUSHRA VAHDAT) in her official and individual capacity;  
IDA TRASCHEN, in her official and individual capacity;  
ELIZABETH PRICKETT-MORGAN, in her official and individual capacity;  
JEAN FLANAGAN, in her official and individual capacity;  
VINCENT PALMIERI, in his official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE.

Defendants



**AFFIRMATION OF MARIO H. CAPOGROSSO IN SUPPORT OF MOTION TO  
DISMISS COUNTERCLAIMS**

I, Mario H. Capogrosso, hereby affirm under penalty of perjury that:

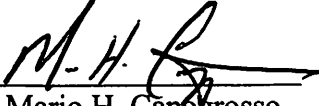
1. I am the Plaintiff in the above-captioned matter.
2. I submit this Affirmation in support of the Plaintiff's Motion to Dismiss the Counterclaims of the Defendant, Sadiq Tahir ("the Defendant").
3. Attached hereto as Exhibit A is a true and accurate copy of the Defendant's Counterclaims.

4. By Order dated August 2, 2018, the Court treated the Defendant's Counterclaims as amended by virtue of statements he made on the record (Exhibit B).

**WHEREFORE**, I respectfully request that the Court grant this motion, as well as such other and further relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New Rochelle, NY  
August 15, 2018

  
Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
Tel: (914) 806-3692

## EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
MARIO H. CAPOGROSSO

Plaintiff

PRO SE ANSWER  
CV18-2710

ALAN GELBSTEIN, ET.AL,

Defendants

Defendant SADIQ TAHIR, STATES THE FOLLOWING:

**ADMISSIONS AND DENIALS**

1. The defendant admits paragraph 4 26 89 91.
2. The Defendant denies paragraph 32 90 92 93 94.
3. The defendant lacks sufficient knowledge or information to determine the truth of the allegations in paragraph 1 2 3 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 27 28 29 30 31 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 95 96 97 98 99 100 101.

**DEFENSES**

General Denial.

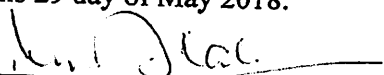
**COUNTERCLAIMS**

Plaintiff illegally harassed Defendant and continues to illegally harass Defendant by bringing frivolous law suits, Defendant therefore seeks punitive damages against Plaintiff in an amount as the Court may determine appropriate,

As a result of the harassment, defendant was damaged in the sum of \$100,000.

**WHEREFORE** defendant demands judgment against plaintiff in the sum of \$100,000 and punitive damages against Plaintiff in an amount as the Court may determine appropriate,

Signed this 29 day of May 2018.

  
Defendant SADIQ TAHIR, PRO SE

Address 2994 Coney Island Ave Brooklyn NY  
Telephone Number 718 35

SWORN TO BEFORE ME THIS  
29<sup>TH</sup> DAY OF MAY, 2018

**Mario H. Capogrosso**

**Defendant Party List Addresses**

- 1) **ALAN GELBSTEIN, 2875 West 8<sup>th</sup> Street, Brooklyn New York 11224**
- 2) **BOSHRA VAHDATLAMAS, (also known as BUSHRA VAHDAT),  
801 Axinn Avenue, Garden City, New York, 11530**
- 3) **IDA TRASCHEN, 6 Empire State Plaza, Albany, New York 12228**
- 4) **ELIZABETH PRICKETT-MORGAN, 120 Broadway, New York City, New York**
- 5) **JEAN FLANAGAN, 6 Empire State Plaza, Albany, New York 12228**
- 6) **VINCENT PALMIERI, 6 Empire State Plaza, Albany, New York 12228**
- 7) **DANIELLE CALVO, 2875 West 8<sup>th</sup> Street, Brooklyn New York 11224**
- 8) **SADIQ TAHIR, 2875 West 8<sup>th</sup> Street, Brooklyn New York 11224**
- 9) **PEC GROUP OF NY, INC, 935 S Lake Blvd, #7, Mahopac, NY 10541**
- 10) **DAVID SMART, 2875 West 8<sup>th</sup> Street, Brooklyn New York 11224**

## **EXHIBIT B**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**U.S. District Court**

**Eastern District of New York**

**Notice of Electronic Filing**

The following transaction was entered on 8/2/2018 at 7:35 PM EDT and filed on 8/2/2018

**Case Name:** Capogrosso v. Gelbstein et al

**Case Number:** 1:18-cv-02710-MKB-LB

**Filer:**

**Document Number:** No document attached

**Docket Text:**

Minute Entry for pre-motion conference held on August 2, 2018. Pro se plaintiff Mario Capogrosso appeared on behalf of himself. Mark Siegmund appeared for defendants Alan Gelbstein, Boshra Vahdatlmas, Ida Traschen, Elizabeth Prickett-Morgan, Jean Flanagan, Vincent

[https://ecf.nyed.circ2.dcn/cgi-bin/DisplayReceipt.pl?610633793322736-L\\_1\\_0-1](https://ecf.nyed.circ2.dcn/cgi-bin/DisplayReceipt.pl?610633793322736-L_1_0-1)

**Palmieri and Danielle Calvo (the "State Defendants"). Pro se defendant and counterclaim-plaintiff David Smart appeared on behalf of himself. Pro se defendant and counterclaim-plaintiff Sadiq Tahir appeared on behalf of himself. Defendant PEC Group of NY, Inc. did not appear.**

**For the reasons stated on the record, the Court denied Plaintiff's motion to recuse Judge Bloom from this case. The Court also denied Mr. Smart's motion for appointment of counsel, and informed Mr. Smart that a written order denying his motion would be forthcoming.**

**For the reasons stated on the record, the Court denied plaintiff's motion to dismiss the counterclaims filed by Mr. Smart and Mr. Tahir. The Court directed Mr. Smart to file an amended answer and counterclaim on or before August 9, 2018 to clarify that his counterclaim is based on prior conduct by plaintiff and also on plaintiff's filing of this action. Plaintiff shall respond to Mr. Smart's amended answer and counterclaim on or before August 23, 2018. The Court ordered Plaintiff to serve all papers on Mr. Smart by mail, using the mailing address Mr. Smart provided to the Court.**

**For the reasons stated on the record, the Court considered Mr. Tahir's oral statements made during the conference that his counterclaim is based on plaintiff's commencement of this action, and deemed such statements an amended answer and counterclaim. Plaintiff shall respond to Mr. Tahir's amended counterclaim on or before August 16, 2018.**

**The Court discussed with the parties the bases for the State Defendants' anticipated motion to dismiss the Complaint. The State Defendants shall serve their moving papers on or before August 17, 2018; Plaintiff shall serve his opposition on or before September 17, 2018; State Defendants shall serve their reply on or before October 1, 2018. The Court granted the State Defendants' motion for a stay of discovery pending the resolution of their motion to dismiss. Ordered by Judge Margo K. Brodie on 8/2/2018. (McKenzie, Lindsay)**

**1:18-cv-02710-MKB-LB Notice has been electronically mailed to:**

Mark Siegmund mark.siegmund@ag.ny.gov

**1:18-cv-02710-MKB-LB Notice will not be electronically mailed to:**

David Smart  
2875 West 8th Street  
Brooklyn, NY 11224

Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804

Sadiq Tahir  
2994 Coney Island Ave  
Brooklyn, NY 11235